

ORDINANCE # 15-37

AN ORDINANCE UPDATING THE COMMERCIAL ZONE

WHEREAS, the Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the governing body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, the Garden City Town Council is authorized to govern the health, safety and wellness of the citizens and visitors of the Town of Garden City; and

NOW THEREFORE, be it ordained by the Town Council of the Town of Garden City, Rich County, State of Utah, that Ordinance #11C-1500 be changed as follows:

CHAPTER 11C-1500 C Commercial Zone

Area		Minimum Setbacks (in feet)		
District	Area in Square Feet	Front (Side facing road)	Side	Rear
C1	Minimum of 6000 ft.	20 Feet	Ten (10) Feet	Ten (10) Feet
C2	Minimum of 6000 ft.	20 Feet	Ten (10) Feet	Ten (10) Feet
C3	Minimum of 6000 ft.	20 Feet (unless being used for residential purpose; if being used for a residential purpose, it must meet appropriate setbacks for a single family residential zone-R1)	Ten (10) Feet	Ten (10) Feet

11C-1501 Purpose. To provide areas for community retail and service activities in locations convenient to serve the residents and is compatible to the tourism industry and to protect surrounding residential property.

11C-1502 C1 Zone.

A. Permitted Uses.

1. Stores, shops, and offices supplying commodities or performing services such as banks, business offices, and other financial institutions, hair salons, barbers, medical and dental offices, art galleries and similar enterprises provided that all uses can be conducted within the buildings.
2. Accessory buildings and uses customarily incidental to the above that are not required to be in another zone.
3. Bowling alley, dance hall, roller-skating rink, theatres, arcades, and pool halls.
4. Hotels and Motels
5. Restaurants and Fast Food Establishments
6. Department Stores

Owners of commercial property may choose to have a single family residence as long as construction is integrated into the commercial structure and is 50% or less of the total square footage and must be located either above or behind the commercial space.

B. Conditional Uses.

1. Automobile Dealers
2. Gas Stations with Convenience Stores
3. Farmer's and Artisan's Market
4. RV Park

11C-1503 C2 Zone.

A. Permitted Uses.

1. Commercial parking lots
2. Carpenter shops, electrical, plumbing, heating and air conditioning shops, printing and publishing or lithographic shops, provided all uses shall be within an enclosed building
3. Commercial landscaping buildings
4. Storage sheds
5. Construction/labor/service showrooms, provided all uses shall be within an enclosed building
6. Lumber yard, provided all uses shall be within an enclosed building
7. Small scale manufacturing, provided all uses shall be within an enclosed building.

Owners of commercial property may choose to have a single family residence as long as construction is integrated into the commercial structure and is 50% or less of the total square footage and must be located either above or behind the commercial space.

B. Conditional Uses.

1. Automobile service stations for garages for repair of vehicles
2. ~~Sexually Oriented Business~~
3. Farmer's & Artisan's Market
4. RV Park

11C-1504 C3 Zone.

A. Permitted Uses.

1. All uses for C1 Commercial Zone may be applied to C3 Commercial Zone.
2. None of the uses for the C2 Commercial Zone may be applied to C3 Commercial Zone.
3. Owners of C3 Zone properties may choose to use them as either single-family residence or multiple family residences as long as construction complies with the setbacks and guidelines of the respective type of residency.
 - a. When C3 Zone property is used for the establishment of a business next to a residence, the business owner will be required to provide a fence between the two properties for privacy.
 - b. When C3 Zone property is used for establishment of a residence next to an established business, the homeowner will be required to provide a fence between the two properties for privacy.

B. Conditional Uses.

1. Farmer's & Artisan's Market
2. RV Park

11C-1505 Height Regulations. No building shall be erected to a height greater than thirty-five (35) feet.

11C-1506 Area, Width, and Setback Regulations. See above table.

11C-1507 Landscaping and Front Elevations. For the beautification of Garden City, it is required that a landscaping plan, for the entire 10-foot front setback in C2 and 20-foot setback in C1 and C3 zone, be submitted and approved by the Planning Commission along with the front elevations of all buildings.

11C-1508 Architectural Standards. To ensure that Garden City continues to be aesthetically pleasing, all business buildings will be required to meet certain architectural standards. All business buildings shall have an outer appearance that is consistent with surrounding structures. All business buildings shall have 3 exterior walls (one of which must face the street) that are made of wood, glass, stone, brick, or stucco. Other materials may be approved through a Conditional Use, through a presentation with the Planning & Zoning Commission and approval by the Town Council. All materials are to have an earth tone color in nature and appearance. Architecture elevations must be reviewed and approved by the Planning Commission.

APPROVED:

ATTEST:

John Spuhler, Mayor

Kathy Hislop, Town Clerk

Voting:

	<u>Aye</u>	<u>Nay</u>
Argyle	_____	_____
Pugmire	_____	_____
Stocking	_____	_____
Warner	_____	_____
Spuhler	_____	_____

ORDINANCE #15-38

AN ORDINANCE UPDATING THE RESIDENTIAL ESTATES/
AGRICULTURAL ZONE

WHEREAS, the Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the governing body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, the Garden City Town Council is authorized to govern the health, safety and wellness of the citizens and visitors of the Town of Garden City; and

NOW THEREFORE, be it ordained by the Town Council of the Town of Garden City, Rich County, State of Utah, that Ordinance #11C-1100 be changed as follows:

Residential Estate/Agricultural Zone

11C-1101 Purpose. To provide areas for large lot residential estate neighbors of a rural character together with a limited number of livestock activities in which the primary use involves raising, producing or keeping plants or animals

11C-1102 5-Acre Minimum Size.

11C-1103 Permitted Uses.

- A. Agriculture as defined herein.
- B. Dwellings for proprietors and employees of the use and animal training.
- C. Breeding or raising of fowl or other animals.
- D. Breeding of domestic animals.
- E. Nurseries and Greenhouses.
- F. Household Pets.
- G. Home Occupation.
- H. Single family dwelling.
- I. Accessory buildings and uses.
- J. Park or Playground.
- K. Landscaping and gardening.

11C-1104 Non-Permitted Uses

- A. Processing of animal or plant products
- B. Milk and feedlots
- C. Livestock Auctions

11C-1105 Conditional Uses.

- A. Church
- B. Public/Private School
- C. Public buildings
- D. Riding Stable. (Public or private with 6 or more horses)
- E. Stable, Private (provided not more than one horse per acre)
- F. Two-Family Dwelling
- G. Public Utility
- H. Clubhouse
- I. Cemetery
- J. Stands for sale of produce grown on premises
- K. Dude Ranch and Accessory Buildings
- L. Recreational Vehicle Storage Structure
- M. Home Occupation Daycare/Preschool
- N. Golf Course
- O. Kennels
- P. Rodeo
- Q. Sexually Oriented Business**
- Q. R. Anything under 5 acre minimum not to go less than 1 acre.

11C-1106 Area, Width and Setback Regulations.

<u>Minimum Setbacks (in feet)</u>			
<u>District</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
RE/AG-1	30	100 & 12	30

11C-1106 Height Regulations. No building shall exceed 35 feet in height.

11C-1107 Modifying Regulations.

- A. Side setbacks. Main buildings other than dwellings shall have a minimum side set-back of 20 feet and the total of the two side setbacks shall be 40 feet. Private garages and other accessory buildings located at least 10 feet behind the main building may have a side setback of one foot, except the street side setback of a corner lot shall be a minimum of 20 feet for main and accessory buildings.
- B. Rear Setbacks. Private garages and accessory buildings located at least 10 feet behind the main building may have a rear setback of ten (10) feet provided that on

corner lots rearing on the side setback of another lot, the minimum rear setback for all buildings shall be 10 feet.

11C-1109 Developers Requirements. When ingress and egress is adjacent to existing residential homes, developers are required to pave a minimum of 100 feet past the existing residence rear property line.

This Ordinance approved on _____, 2015.

APPROVED:

ATTEST:

John Spuhler, Mayor

Kathy Hislop, Town Clerk

Voting:

	<u>Aye</u>	<u>Nay</u>
Huefner	___	___
Pugmire	___	___
Stocking	___	___
Warner	___	___
Spuhler, Mayor	___	___

The Council shall review the entire record before the Commission together with their findings and recommendations. The Council may approve the application and development plan with appropriate conditions, or deny said application within thirty (30) days from the date of the Council meeting at which the Commission's recommendations are received, unless the Council makes a finding that due to the complexity of the project, or changes in the proposed project, or the need for additional information adequate review of the project is not possible and additional review time is necessary. The length of the extension shall be determined by the Council based upon relevant factors and evidence before the Council.

- B. If the Council finds a substantial error in the information presented to the Commission or new information is presented which may make a material difference in the recommendation made by the Commission, the Council may remand the application to the Commission for further review and recommendations.

11F – 106 Changes in Development Plan

This has been deleted. (Feb. 11, 2010)

11F – 107 Development Plan Approvals After approval of a PUD/PRUD, the applicant shall file a preliminary plat and final plat for each stage of the development in conformance with the approved PUD/PRUD development plan and pursuant to the subdivision and other applicable ordinances.

A. Time Limitations.

1. Upon receiving a PUD/PRUD approval, an applicant shall have one year from the date of issuance thereof to submit an application for the first phase of the project. Failure to file the appropriate application within said one-year period shall cause the PUD/PRUD approval to be null and void.
2. For good cause shown by the applicant in writing filed with the Clerk prior to the expiration of said one year period, the Council may grant an extension of the time limitations set forth in subsection A of this section or may grant an extension of the time limits imposed by the development schedule.

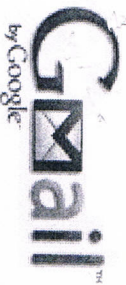
(This ordinance was updated January 8, 2015)

11F-108 Building Permits. No Housing Building Permits will be issued until all roads, egress and ingress, street signs, utilities and any amenities required by the Planning Commission or the Town Council are complete and signed off by the Public Works Dept., Sewer Dist., and Town Engineer.

(Approved November 11, 2010)

We discussed this last month

Norm is following this - after Conceptual approval, Eagle Feather was approved 1 yr. later



Garden City Garden City <townofgardencity@gmail.com>

Zoning Change proposal

3 messages

Norm's letter to Town Council - about Re-Zone

nmecham@bearlake.com <nmecham@bearlake.com>

Thu, Dec 10, 2015 at 12:16 PM

Reply-To: nmecham@bearlake.com

To: John Spuhler <johns@gardencityut.us>, Garden City Garden City <townofgardencity@gmail.com>

Cc: Pat Argyle <pargyle@hotmail.com>, Chuck Stocking <chuck@bearlakecomputers.com>, Bruce Warner <bruceewarner@gmail.com>, Darin <darinpugmire@gmail.com>

Garden City Town Council,

As the owners of most of the property that you are considering for a rezone, we want to express that we do not support the change. When this discussion first came up in the Planning and Zoning meeting of June 4, 2014, the motivation of the Planning Commission was to find an area away from the Town center where SOB's could be allowed as a conditional use. Norm Mecham happened to be at that meeting for another matter, and the minutes of the discussion are as follows:

There was discussion about where to place the Industrial/Manufacturing zone. It's presently along 300 W., going south and there may be a better place for that zone that in the middle of town. It was suggested -Page 4- to move it south of Ideal Beach. They wondered whose property it was. Norm Mecham said it is his property. He wondered if making it manufacturing zone, would it preclude letting him put in residential? The Planning Commission said no, he would still be allowed to put homes there. He said he wouldn't mind if the zone were changed to Manufacturing. Commission Member Schiess went through the permitted and conditional uses in other zones. He wants to make sure moving the uses will be okay with everyone. Commission Member Gifford made the motion that we accept the future land use and zoning map, as it is

Commission Member House made the motion that we approve the Garden City future land use and zoning map with the changes of the current C2 area be changed to a C1 and the Residential Estate area that is east of 2000 S. and south of Pickleville Parkway be changed to a C2 zone. Commission Member Gifford seconded the motion. All in favor and the motion carried. Roll Call Vote; Commission Member House for, Commission Member Gifford for, Commission Member Argyle for, Commission Chair Bourne for, Commission Member Stone for Commission Member Schiess for.

There has been considerable discussion since this time we see in the PZ minutes and we appreciate the work that they

have put into this. The current proposal is to basically leave this area as it was but add the "Agricultural" designation to it. The only other change is to add SOB's as a conditional use. We cannot support this as it seems to do two things that may devalue the property. While we have no plans to develop this property in the near future, we would ask that it be treated as other adjacent property in terms of the allowable zoning rights and uses. Immediately adjacent, the zones are C3, Single Family Residential, and an approved 99 home PRUD on 15 acres. It hardly seems equitable that you allow 99 homes on 15 acres and 3 homes on 15 acres across the fence. We are willing to work with the Town to see that SOB's are allowed only in an area that is away from the center of town, but we ask that we be treated equitably in terms of the other rights of use with respect to adjacent properties.

Bear Lake Golf Course
Bear Lake Golf Course Development Company

Dell Loy Hansen
F. Neal Mortenson
Norman Mecham

Darin Pugmire <darinpugmire@gmail.com>

Thu, Dec 10, 2015 at 1:07 PM

To: Garden City Garden City <townofgardencity@gmail.com>, John Spuhler <johns@gardencityut.us>, nmecham@bearlake.com
Cc: Bruce Warner <bruceewarner@gmail.com>, Chuck Stocking <chuck@bearlakecomputers.com>, Pat Argyle <pargyle@hotmail.com>

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Darin Pugmire

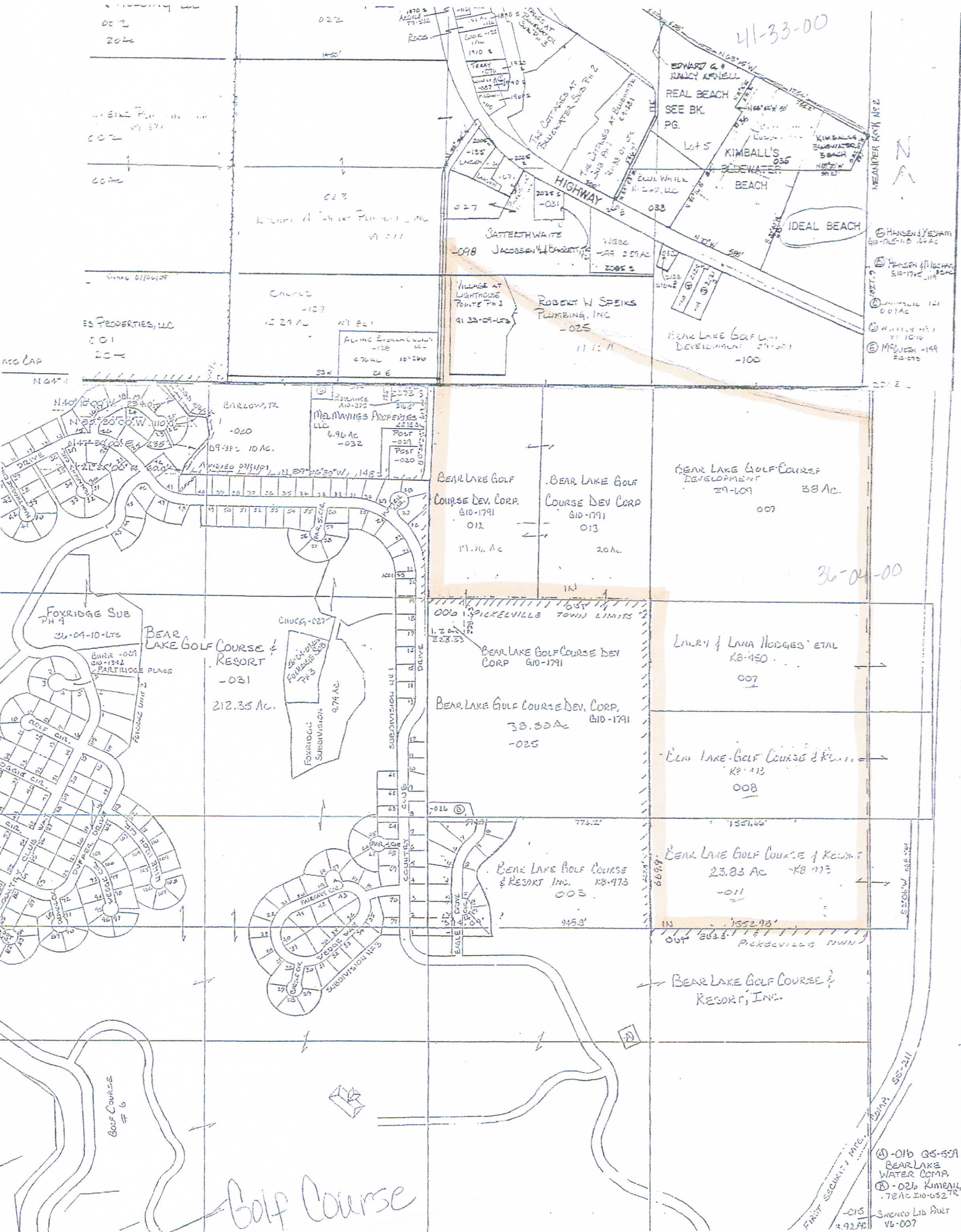
Pugstones Sporting
6 South Bear Lake Blvd
Garden City, UT 84028
435-757-9430 MOBILE
435-946-2855 OFFICE

Darin Pugmire <darinpugmire@gmail.com>

Thu, Dec 10, 2015 at 1:07 PM

To: Garden City Garden City <townofgardencity@gmail.com>, John Spuhler <johns@gardencityut.us>, nmecham@bearlake.com

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Development Data

Single Family Lots:	565
Townhomes:	214
Condos:	120
Village Condos:	277
Condo / Hotel Units:	1,364

